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3 [peter@msmlaw.com](mailto:peter@msmlaw.com); [jay@msmlaw.com](mailto:jay@msmlaw.com)CLARK COUNTY  
PATRICK J. LEAHY, CLERK

## 4 UNITED STATES BANKRUPTCY COURT

## 5 DISTRICT OF NEVADA

In re: (*Name of Debtor*)  
 USA COMMERCIAL MORTGAGE COMPANY,  
 (and related cases)

6 Case No. BK-S-06-10725 LBR  
 and related cases  
 Adv. # \_\_\_\_\_

7 Debtor(s)

8 Chapter  7  11  1312 MOTION FOR PERMISSION TO FILE IN PAPER FORMAT  
 DUE TO EXEMPTION OR EXCEPTIONAL CIRCUMSTANCES

13 Michaelson, Susi & Michaelson  
 Pursuant to Administrative Order 04-3, movant Professional Corporation hereby  
 14 requests permission to file documents in traditional paper format on the grounds that (*Motion  
 must be accompanied by a supporting affidavit or declaration of the movant*):

15  Movant is exempt from the requirement that filings be made in electronic form  
 because (*state why*): \_\_\_\_\_

16 *or*

17  Exceptional circumstances exist which prevent filing by electronic means

## 18 1. Document

19 The document(s) which the movant seeks permission to file in paper format are  
 (list title of each document):

20 PETITION FOR PERMISSION TO PRACTICE IN THIS CASE ONLY BY ATTORNEY  
 NOT ADMITTED TO THE BAR OF THIS COURT

## 21 2. Exceptional Circumstances

22 If permission to file in paper format is sought on the basis of exceptional  
 circumstances, the movant states the following as grounds for the Motion:

23 (a).  Movant's Internet service is not available due to circumstances which  
 cannot be prevented.

(i). Describe the nature and extent of the circumstances which have made the Internet service unavailable (*be specific*):

N/A

(ii). Describe what steps will be taken to ensure that the Internet service will be operable for electronic filing in the future:

We have started the process for qualifying.

(b).  Other grounds exist for the Exceptional Circumstances Motion (be specific):

Movant practices in the Central District of California and has been consulted by several investors in this case within the last week about a hearing on May 3, 2006. Because of the short time to file pleadings, movant cannot qualify timely for electronic filing.

13 (c).  Movant has filed a prior Exceptional Circumstances Motion

(i). Number of prior motion(s): None

(ii). Date of the prior motion(s): \_\_\_\_\_

(iii). Reason for the prior motion(s): \_\_\_\_\_

(iv). Case number and disposition for each prior motion:

19     3.  Movant's affidavit or declaration supporting this Motion is attached pursuant to Section  
20     3(b)(i) of Administrative Order 04-3.

21 4. ☑ Movant hereby also submits a proposed order pursuant to Administrative Order 04-3 at  
22 Section 3(b)(ii).

Based upon the foregoing, movant requests that the Court grant the Motion.

Date: April 26, 2006

*Movant's signature*

December 20, 2004

1                   DECLARATION OF PETER SUSI IN SUPPORT OF

2                   MOTION FOR PERMISSION TO FILE IN PAPER FORMAT

3       I, Peter Susi, declare:

4       1. I am a member of Michaelson, Susi & Michaelson, a  
5 Professional Corporation, attorneys for various objecting  
6 investors in this case.

7       2. Our firm practices primarily in the Bankruptcy Court  
8 in the Central District of California and submits documents  
9 electronically in accordance with its rules. We have not  
10 previously practiced in the District of Nevada, and are  
11 requesting permission to do so in this case only.

12      3. We have been consulted by several investors and asked  
13 to file pleadings for a hearing scheduled by this court on May  
14 3, 2006. In order to do so on a timely basis, we do not have  
15 time to qualify for electronic filing, but are taking all  
16 appropriate steps to do so for future filings.

17      4. Our firm has never previously filed an Exceptional  
18 Circumstances Motion.

19       I declare under penalty of perjury that the foregoing is  
20 true and correct.

21       Executed this 26<sup>th</sup> day of April, 2006, at Santa Barbara,  
22 California.



24                   PETER SUSI for Michaelson, Susi &  
25                   Michaelson, Movant

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